



4949 BROADWAY, B114
SACRAMENTO, CA 95820
Public: (916) 227-2222
Facsimile: (916) 227-4997
(916) 227-4705

January 4, 2010

Lisa Martinez, Area Commander
Department of Motor Vehicles
Investigations Unit - San Francisco
5 Thomas Mellon Circle, #168
San Francisco, CA 94134-2501

RE: Criminal Offender Record Information Audit - Results

Dear Commander Martinez:

During the month of December 2009, Irene Smith from the Department of Justice (DOJ) conducted an audit, by mail, of your agency's use of the Automated Criminal History System (ACHS). The audited record inquiries were for those ACHS records accessed from May through October 2009. In addition, a review was conducted to determine compliance with the proper use of the routing data field (RTE). The following are the results of the audit:

- A random sample of 20 inquiries was selected and the "need to know" was verified by DOJ for each inquiry.
- Your agency was not in full compliance with DOJ's mandate regarding the use of the 30 character "route to" field (RTE). The RTE in each ACHS inquiry must contain the following: (1) the requestor's name, initials or ID number; (2) the operator's name, initials or ID number; and (3) the specific reason for the request, i.e., case number or other data which specifies the nature of the request. The requestor's name, operator's name or initials/ID number was omitted from all 20 inquiries. The reason for the request was omitted from 12 inquiries. Enclosed is Information Bulletin 07-01-BCIA to assist your staff in achieving full compliance. It will remind all ACHS users of the policies regarding 11105 of the California Penal Code and the requirements for the RTE.

Appropriate steps must be taken to ensure compliance with state laws and regulations governing the use of criminal offender record information and to reduce the liability of the San Francisco Office of the Department of Motor Vehicles. Please provide a written response by February 12, 2010 as to the action taken by your agency to ensure compliance.

I would like to thank Calvin for his assistance in conducting the audit. His cooperation was appreciated and it was a pleasure working with him.

Lisa Martinez, Area Commander
December 30, 2009
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If you have any questions or need any further information regarding the audit process, please feel free to contact Irene Smith at (916) 227-3459.

Sincerely,



CHERYL F. CABERO, Ph.D., Manager
Client Services Program
Bureau of Criminal Identification
& Investigative Services

For EDMUND G. BROWN JR.
Attorney General

cc: Calvin Woo